

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the amendments above and the remarks below.

Specification

Initially, by this amendment, paragraphs [0024], [0048], [0051], and [0057] have been amended to correct several minor wording informalities.

35 U.S.C. §112 Rejection

In the Office Action, claims 1-5 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, it is allegedly unclear how the receiving steps "enable" the check processing. Applicants respectfully traverse this rejection for the reasons below.

In one aspect, applicants' invention is directed to a method for use in enabling or facilitating check processing in which initial steps include receiving certain information such as a transaction amount, checking account information from a blank check, and an electronic image of a face of the blank check. The received information may then be used to process the check, for example, by processing the check electronically. By this amendment, independent claim 1 has been accordingly amended to recite a method for "use in" enabling check processing using a blank check. It is respectfully submitted that the receiving steps, do indeed, now support the preamble for use in enabling or facilitating check processing.

Withdraw of this §112 rejection is respectfully requested.

35 U.S.C. §102(e) Rejection of Claims 9-14 and §103(a) Rejection of Claim 15

In the Office Action, claims 9-14 were rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Fernando et al. (U.S. Patent No. 6,193,152), and claim 15 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Fernando et al. in view of Yamaguchi et al. (U.S. Patent No. 5,577,242). By this amendment, claims 9-15 have been canceled without prejudice. It is respectfully submitted that the §102(e) and §103(a) rejections of claims 9-15 are now rendered moot.

35 U.S.C. §103(a) Rejections of Claims 1-7, 16-21, and 23-52

In the Office Action, claims 1-7, 16-21, and 23-52 were rejected as being allegedly unpatentable over Fernando et al. (U.S. Patent No. 6,193,152) in view of Preiser et al. (U.S. Patent Application Publication No. 2002/0040344), and claims 8 and 22 were rejected as being allegedly unpatentable over Fernando et al. in view of Preiser and Yamaguchi et al. (U.S. Patent No. 5,577,242). Applicants respectfully traverse these rejections for the following reasons.

Initially, one aspect of applicants' invention is directed to electronic check processing, for example, in retail operations which allow customers to pay for goods or services, such as items at a grocery checkout, with a blank check and without writing out and/or signing the blank check. Allowing a customer to pay with a blank check reduces the time required for completing the point-of-sale transaction for the customer and for the retailer.

In addition, capturing and storing an image of the face of the blank check allows archival and retrieval of the image of the blank check for use in proving or collecting payment in the case where the check was drawn on an account with insufficient funds or where the customer tendered the check fraudulently. For

example, the image of the blank check oftentimes includes one or more names, as well as an address and a telephone number. Thus, applicants' invention reduces the time for checking out when paying by check and also reduces the cost of business by increasing the recovery of funds for bad checks. For example, collection agencies may use the information provided on the image of the blank check to aid in the recovery the funds.

Further, applicants' invention may also include obtaining biometric information from the customer. Capturing an image of the blank check and biometric information from the customer such as an electronic image of the customer's handwritten signature on an electronic capture device allows archival and retrieval of two items of information for use in collecting payment in the case where the check was drawn on an account with insufficient funds or where the customer tendered the check fraudulently.

With reference to the primary applied reference, Fernando et al. in one embodiment shown in FIG. 4, illustrates a check cashing system that includes a signature pad device connected to a host computer, and includes an add-on unit having a printer, a magnetic stripe reader, and a smart card reader. A keypad and a fingerprint unit are also connectable to the signature pad device. In operation, a check is inserted into a slot in the add-on unit. The consumer either signs the check, or a blank check is used and the consumer signs the signature pad. The magnetic stripe reader identifies the consumer's bank and bank account number. The printer then prints the date, the dollar amount, and the merchant store as payee on the check. The printer can also print the consumer's signature on the check, and print the word "VOID" thereon. Security in the above transaction consists of the use of a credit card or smartcard, whose memory includes for example either a PIN or preferably fingerprint PIN token information.

As noted in Fernando et al. at column 13, line 66 to column 14, line 7:

It will be appreciated that the above-described use of system 10 permits instant transfer of funds, with minimal generation of paperwork. From the merchant's perspective, payment for the transaction occurs in realtime, and the transaction is memorialized electronically. From the standpoint of the user's bank, there is no paper check to be negotiated and mailed back to the user as the user already possesses the "voided" or "cancelled" check as a transaction receipt. (emphasis added)

As noted in the Office Action, Fernando et al. do not explicitly teach obtaining an electronic image of a face of a blank check. Also in the Office Action, Preiser was applied as teaching an electronic image of a face of a check (paragraph [0020]), and it was the position in the Office Action that "[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fernando [et al.] to include this step as taught by Preiser. One would have been motivated to do so in order to store the image of the blank check for later retrieval."

Responsive to the rejection of claims 1-7, 16-21, and 23-52, it is submitted that there is no teaching, suggestion or incentive in the applied references themselves to support the modification of the Fernando et al. system as suggested in the Office Action to incorporate obtaining an electronic image of a face of a blank check.

Again, as noted in the Office Action, Fernando et al. do not explicitly teach obtaining an electronic image of a face of a blank check. In addition, Fernando et al. do not disclose or suggest the system having a scanner. Further, Fernando et al. do not disclose or suggest obtaining an image of the check at any time during the checkout process.

Preiser et al. disclose a check guarantee service for use by member sellers. A buyer can either present him/herself at the seller's point-of-sale terminal to proceed

with the transaction, or can contact the seller via a telephone connection or via a mail order. The seller's terminal normally includes a check reader that can read the magnetic ink character recognition ("MICR") characters to obtain the buyer's bank transit number, the buyer's account number, and the check sequence number, and this information is transmitted to the check guaranteeing service. The point-of-sale terminal can optionally include an imager to image the check, which is stored for later retrieval, if necessary. The paper check can be converted into an electronic funds transfer (EFT). From the description of the guaranteeing system and service disclosed in Preiser et al., the check from the buyer is a completed check and not a blank check.

Thus, Fernando et al. and Preiser et al., either alone or in combination, fail to disclose or suggest a method for enabling check processing which includes receiving "an electronic image of a blank check" as recited in independent claims 1, 16, 23, 31, 44, 54, and 57, or a method for warehousing information relating to check transactions which includes "storing in at least one data storage unit ... an electronic image of a face of the blank check" as recited in independent claim 40.

Furthermore, as described in Fernando et al. in column 2, lines 53-62, a user's check may be processed in realtime and immediately returned to the user as a receipt for payment of the present transaction. The transaction is completed instantly in that the device contacts the user's bank and, if funds are available, debits the account as payment for the instant transaction. In this manner, the present invention facilitates immediate payment to the merchant, and minimizes paperwork all around. Thus, if one of ordinary skill in the art wanted to reduce the likelihood of bad checks or insufficient funds, one would follow the teaching of Fernando et al. to employ the system with the transfer of funds in realtime, and one would not be motivated to employ aspects of the guarantee check cashing service in Preiser et al. which includes providing a scanner and retrieving an image of a completed check for later retrieval. As noted above, even if one attempted to combine Fernando et al. and

Preiser et al., such a combination still fails to teach or suggest a system which includes obtaining an image of a blank check as explained above.

In addition, the combination of Fernando et al. and Preiser et al. fails to disclose, teach or suggest applicants' method for enabling check processing using a blank check which includes the combination of receiving "an electronic image of the face of a blank check", and also, "receiving biometric information", or "receiving an electronic image of a hand written signature" as recited in claims 2-4, 16-18, 23-39, 44, 47, 48, 51, 54, and 57, or storing "the electronic image of a face of the blank check" as recited in claims 5, 8, 20, 22, 23-43, and 58.

Yamaguchi et al. was applied as teaching the step of transferring as a batch one or more files, each file comprising a plurality of data (col. 10, lines 60-65). Without acquiescing to the characterization of Yamaguchi et al., Yamaguchi et al. fail to disclose or suggest the features noted above lacking in Fernando et al. and Preiser et al.

Thus, it is respectfully submitted that Fernando et al., Preiser et al., and Yamaguchi et al., alone or in combination, fail to disclose, teach or suggest applicants' invention as now recited in claims 1-8 and 16-59.

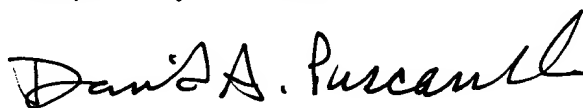
Withdrawal of the §103(a) rejections is respectfully requested.

CONCLUSION

It is believed that the application is in condition for allowance, and such action is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in black ink, reading "David A. Pascarella". The signature is fluid and cursive, with the first name "David" and last name "Pascarella" clearly legible. It is positioned above a horizontal line.

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